



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

23-cr-0419 (LAK)

RICHARD ZEITLIN,

Defendant.

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**ORDER**

LEWIS A. KAPLAN, *District Judge*.

The Court is in receipt of a letter motion by the defendant (Dkt 57), allegedly on the basis of changed circumstances, to renew his prior motion for pretrial release. The allegedly changed circumstances are an alleged deterioration of conditions at the Metropolitan Detention Center ("MDC") where the defendant is incarcerated.

The government shall respond to the motion no later than January 18, 2024. The response shall include, in addition to such other evidence as the government wishes to present, affidavits or declarations by Bureau of Prisons personnel or others with personal knowledge addressing the factual assertions raised in the defendant's letter motion. These shall include (a) the frequency and durations of lock downs from December 14 to and including January 15, 2024 (the "Relevant Period"), (b) the frequency and durations of cancellations of phone and video conferences during the Relevant Period, (c) the waiting times by attorneys for production of clients for legal visits during the Relevant Period, (d) the actual availability of computers to the defendant for review of discovery during the Relevant Period and prospectively, (e) the availability of law library access to defendant during the Relevant Period and prospectively, (f) the availability of Advil from the infirmary and the commissary, and (g) a list of days during the Relevant Period when hot food was not served to inmates. In addition, the government shall address the question of access to computers for defendants for review of discovery in heavy document cases.

The defendant may reply to the government's submission no later than January 25, 2024. Any reply should include affidavits or declarations by persons with personal knowledge supporting defendant's assertions. In view of the fact that the defendant's letter motion was not supported by such material, the Court will consider any application by the government for permission to submit surreply evidence.

SO ORDERED.

Dated: January 3, 2024

  
Lewis A. Kaplan  
United States District Judge